



~~June 18, 2002 CPC~~
~~September 17, 2002 CPC~~
~~October 23, 2002 BS~~
~~January 21, 2003 CPC~~
February 26, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

02SN0236
(AMENDED)

Harbourside Centre LLC

Matoaca Magisterial District
Southwest quadrant of Hull Street Road and Mockingbird Lane

REQUEST I: (AMENDED)

Amend Conditional Use Planned Development (Case 88SN0056) to amend conditions relative to uses (Condition 11) and gross floor area for projects (Conditions 13 and 14). Specifically, uses permitted in the C-2 portion of the request property are limited to certain Convenience Business (B-1) uses, with a maximum project size of 5,000 square feet of gross floor area per acre.

REQUEST II: (AMENDED)

Amend Conditional Use Planned Development (Case 88SN0056) to delete Condition 9 restricting the clearing and grading on slopes greater than fifteen (15) percent, to amend Condition 3 to exclude the location of retention ponds within required buffers and to amend Condition 1 relative to compliance with the approved Master Plan which limits use of the property located at the intersection of Hull Street Road and Mockingbird Lane to a bank.

PROPOSED LAND USE:

A bank/savings and loan association and/or office is planned at the intersection of Hull Street Road and Mockingbird Lane. However, with approval of this request, other uses would be permitted on the remainder of the property as restricted by conditions of Case 88SN0056, except as may be amended by this request.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL OF REQUESTS I AND II SUBJECT TO THE CONDITIONS ON PAGE 3 AND 4 AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 4 AND 5.

STAFF RECOMMENDATION

- I. Recommend denial of amending conditions relative to uses and gross floor area for projects for the following reasons:
 - A. The use exceptions are in direct conflict with the original intent of the approved zoning which provides for limited commercial convenience uses to serve area residents as part of an integrated mixed use project without routinely attracting customers from larger areas. Further, the use exceptions do not comply with the Upper Swift Creek Plan which suggests the property is appropriate for corporate office and multi-family residential uses.
 - B. Project floor area limitations were established to provide compatibility with area residential development, as currently suggested by the Plan.
 - C. Conditions were negotiated with area residents at the time of the original zoning.
- II. Recommend approval of the deletion of Condition 9 of Case 88SN0056 restricting clearing and grading of slopes greater than fifteen (15) percent, amendment to Condition 3 to exclude the location of retention ponds within required buffers and amendment to Condition 1 relative to compliance with the approved Master Plan for the following reasons:
 - A. The area affected by slopes greater than fifteen (15) percent is a relatively small portion of the property and is centrally-located to the site.
 - B. The imposition of this condition pre-dated the adoption of the Chesapeake Bay Preservation Ordinance which now covers the protection of creeks and streams.
 - C. Current Zoning Ordinance requirements preclude the location of retention ponds within required buffers so as to preserve existing vegetation and to provide intermittent visual separation between uses.
 - D. The proposed office uses at the intersection of Hull Street Road and Mockingbird Lane comply with the Upper Swift Creek Plan and continue to protect the entrance to an existing subdivision.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE

RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITIONS

- (STAFF/CPC) 1. In conjunction with the approval of this request, Condition 9 of Case 88SN0056 shall be deleted for the request property only. (EE)
- (STAFF/CPC) 2. Retention ponds shall not be permitted within any buffers required by Condition 3 of Case 88SN0056. (P)
- (STAFF/CPC) 3. Bank, savings and loan and/or office uses shall be permitted at the intersection of Hull Street Road and Mockingbird Lane.
- (CPC) 4. Condition 11 of Case # 88SN0056 shall be modified to allow the following uses, in addition to those already permitted:

Appliance store
Bicycle sales and rental
Clothing store
Furniture/carpet store
Hobby store
Jewelry store
Locksmith operations
Optometrist
Paint and wallpaper store
Photography studio
Restaurant, fast-food, provided that such use shall be limited to:

- one such restaurant at which frozen desserts and beverages such as ice cream, frozen yogurt, and milk shakes shall constitute at least $\frac{3}{4}$ of the available items on the menu; and
- one such restaurant at which delicatessen products such as sandwiches (other than hamburgers and cheeseburgers), soups, salads, and beverages shall constitute at least $\frac{3}{4}$ of the available items on the menu, provided that seating shall be provided so that such food items may be consumed at the restaurant.

Sewing machine and vacuum sales/service
Sporting goods sales
Toy store
Travel Agency (P)

- (CPC) 5. Condition 13 of Case # 88SN0056 shall be modified in its entirety by the following:

Within the Neighborhood Business (C-2) Tract, individual stores and shops shall not exceed 5,000 square feet of gross floor area if located within 200 feet of any existing residential district or area currently zoned agricultural and shown on the General Plan for residential use, and in no case shall be larger than 8,000 square feet of gross floor area. Individual projects shall not exceed 5,000 square feet of gross floor area per acre unless such excess square footage is devoted solely for office and/or storage use and is subtracted from the square footage permitted in the O-2 Tract. Even buildings that are more than 200 feet from any property that is zoned residential and is being used for residential purposes shall not exceed a height of 2 stories or 35 feet, whichever is less. All structures shall have an architectural style compatible with surrounding residential neighborhoods. (P)

- (CPC) 6. Condition 14 of Case # 88SN0056 is amended to provide that the allowable square footage thereunder shall be reduced consistent with the application of the provisions of Condition 13. (P)

- (NOTES: A. Condition 2 modifies Condition 3 of Case 88SN0056 for the request property only.
- B. Conditions 3 and 9 of Case 88SN0056 remains for that part of the property which was the subject of the original Conditional Use Planned Development not included in this application. All other conditions of Case 88SN0056 remain applicable.
- C. Condition 3 modifies Condition 1 of Case 88SN0056 for the request property only.)

PROFFERED CONDITIONS

- (STAFF/CPC) 1. Any open basins required for water quantity or quality which are designed as wet ponds shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, the uses developed on the Property. At the time of site plan submission, a plan depicting these requirements shall be submitted for review and approval. (P)
- (STAFF/CPC) 2. Freestanding parking lot lights shall not exceed twenty (20) feet in height. (P)

- (STAFF/CPC) 3. Evergreen shrubs of at least two (2) feet in height at the time of planting and spaced to create a continuous hedgerow at maturity shall be provided along Route 360 and Mockingbird Lane where adjacent to parking. These shrubs shall be in addition to the perimeter landscaping requirement in the zoning ordinance. (P)
- (STAFF/CPC) 4. An underground automatic irrigation system shall be provided for the landscaping along U.S. Route 360 and Mockingbird Lane. (P)

GENERAL INFORMATION

Location:

Southwest quadrant of Hull Street Road and Mockingbird Lane and west line of Harbourside Drive. Tax ID 730-673-1465, 2097, 2291 and 4078 (Sheets 15 and 16).

Existing Zoning:

C-2 and O-2 with Conditional Use Planned Development

Size:

8.4 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - O-2 with Conditional Use Planned Development; Commercial
South - R-12 with Conditional Use Planned Development; Single family residential
East - C-2 and O-2 with Conditional Use Planned Development, R-7 with Conditional Use and R-7; Office and daycare (both under construction), public utility or single family residential
West - C-2 and O-2 with Conditional Use Planned Development; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing twenty-four (24) inch water line extending along the north side of Hull Street Road, adjacent to the request site. In addition, there is an existing eight (8) inch water

line along Mockingbird Lane, adjacent to the request site. Use of the public water system is required by a previous condition of zoning. (Condition 5, Case 88SN0056)

Public Wastewater System:

There is an existing eight (8) inch wastewater collector extending along part of Ships Watch Lane, ending approximately 150 feet south of the request site. Use of the public wastewater system is required by a previous condition of zoning. (Condition 5, Case 88SN0056)

ENVIRONMENTAL

Drainage and Erosion:

The property drains to the southeast and enters Swift Creek below the reservoir. Currently, there are no known or anticipated on- or off-site drainage or erosion problems.

Staff supports the applicant's requested deletion of Condition 9 to eliminate the restrictions placed upon the clearing or grading of slopes greater than fifteen (15) percent. This condition was imposed prior to the implementation of the Chesapeake Bay Preservation Ordinance.

Water Quality:

Proffered conditions address the design of any above ground facility required for water quality or quantity control (SWM/BMP). Specifically, these areas will be designed and landscaped so as to become amenities for uses developed on the property. (Proffered Condition 1)

PUBLIC FACILITIES

Fire Service:

The Clover Hill Fire/Rescue Station, Company Number 7, currently provides fire protection and emergency medical service. This request will have minimal impact on fire and emergency medical service.

When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Transportation:

In 1988, the Board of Supervisors approved a rezoning request (Case 88SN0056) on twenty-two (22) acres along Hull Street Road (Route 360) and Mockingbird Lane for development of a mixed-use project. As part of that zoning approval, the Board conditioned the Textual Statement to be a part of the Master Plan for development of the project. Transportation

related conditions in the Textual Statement include right of way dedication, access control and construction of road improvements along Route 360. Some of the required road improvements have been addressed with partial development of the twenty-two (22) acre project. The subject property is part of that project and is currently undeveloped.

The 2001 traffic volumes along the section of Route 360 from Woodlake Parkway to Route 288 ranged from 44,000 to 61,000 vehicles per day. These traffic volumes exceed the capacity of the road, and drivers experience extreme congestion especially during peak periods. The Virginia Department of Transportation Six-Year Improvement Program did include a project to widen Route 360 to six (6) and eight (8) lanes from Swift Creek to Winterpock Road. Part of the project, improvements to the Swift Creek Bridge, has been completed. However, due to State budgetary shortfalls, no construction funds have been allocated to complete the balance of this project.

The applicant is requesting that several conditions of the original zoning be modified or deleted. The requested amendments will not affect any transportation related conditions. The applicant is specifically requesting modification to a condition of the original zoning (Condition 11), to allow additional retail uses to be developed on the property. These additional uses will have a minimal impact on the anticipated traffic generated by development of the property.

At time of site plan review, specific recommendations will be provided regarding access and internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for a mixture of corporate office and multi-family residential uses. The Plan stipulates that non-residential developments should not create excessive noise or glare, should have limited coordinated accesses and should be compatible with area residential developments.

Area Development Trends:

Properties to the south and west of the subject property are zoned Corporate Office (O-2) and Neighborhood Business (C-2) and are part of the approved Master Plan that encompasses the subject property. These properties are currently vacant or occupied by single family dwellings. The property to the north is zoned Corporate Office (O-2) and is part of the Harbour Pointe development and properties to the east are zoned C-2, O-2 and R-7 with Conditional Use and R-7 and are occupied by office and daycare, both under construction, public utility use or single family dwellings located within the Mockingbird Hill Subdivision.

The Plan suggests that commercial services should be provided at major intersections with transitional uses, such as office and higher density residential, between those commercial nodes.

Zoning History:

On October 26, 1988, the Board of Supervisors approved a rezoning of a forty-one (41) acre tract to Residential (R-12), Office Business (O) and Convenience Business (B-1) with Conditional Use Planned Development to permit use and bulk exceptions (Case 88SN0056). A mixed use development incorporating commercial, office and single family residential uses was proposed. In conjunction with this case, a Master Plan was approved, depicting a bank located at the intersection of Hull Street Road and Mockingbird Lane. Two (2) access points were proposed to the commercial/office development, one being from Mockingbird Lane and the other from Hull Street Road, towards the project's western property line. The focus of the commercial/office development would be along a series of internal driveways stemming from these two (2) points of public access. The types of commercial uses permitted on the "B-1" tract as well as the associated hours of operation were limited to focus the provision of products and services primarily to neighborhood residents.

At the time of zoning, the property was part of the area covered under the Powhite/Route 288 Development Area Land Use and Transportation Plan. The Plan designated property north of the AT & T easement for office uses with the remainder of the property for medium density residential uses. However, staff recommended that light commercial uses north of this easement would be appropriate if restricted to those uses that would provide limited retail and personal services to area residents. Many of the restrictions were designed around current Convenience Business (C-1) standards. Through design, size, scale and hours of operation, it was determined that the proposal would not infringe upon area residential lifestyles. A meeting with the District's Board and Commission members, staff and area residents assisted in formulating a list of proposed restrictions, some of which were acceptable to the applicant. It should be noted that area residents supported restricting the development located at the intersection of Hull Street Road and Mockingbird Lane to bank or office uses so as to protect the entrance into existing and future residential development. As approved, the quadrant was limited to bank use only.

On August 15, 2000, the Planning Commission acknowledged the withdrawal of a request to amend Case 88SN0056 to delete conditions relative to compliance with approved Master Plan, hours of operation, internal project focus and restrictions on the clearing and grading on slopes greater than fifteen (15) percent (Case 00SN0187). A convenience store with gasoline sales was planned on a 4.75 acre portion of the request property, located at the intersection of Hull Street Road and Mockingbird Lane. With the exception of the requested relief to the clearing and grading restrictions, staff was not supportive of this request.

Site Design:

The request property lies within an Emerging Growth Area. Development of the site must conform to the requirements of the Zoning Ordinance and conditions of Case 88SN0056

which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Architectural Treatment:

Current conditions of Case 88SN0056 require that individual projects in the Neighborhood Commercial (C-2) and Corporate Office (O-2) Tracts must not exceed 5,000 square feet of gross floor area per acre, respectively (Conditions 13 and 14). The applicant is requesting the ability to transfer an unlimited amount of permitted floor area from the O-2 Tract to the C-2 Tract, provided this transferred square footage is devoted solely to office/storage uses. (Conditions 5 and 6)

Mockingbird Lane, which serves as the access to the C-2 and O-2 Tracts, was designed as the principal entrance to the Mockingbird Hill and Harbour Green Subdivisions. The original intent of Conditions 13 and 14 was to limit the impact of the commercial and office uses upon area residential development through design. Specifically, the buildings should have a size, scale and massing compatible with area residential development. The requested exception to density undermines the design criteria established to achieve land use compatibility, transition and quality of development.

Currently, Emerging Growth District Standards limit the height of buildings in commercial districts to two (2) stories or thirty (30) feet, whichever is less, when such buildings are located within 200 feet of any existing residential neighborhood. Beyond this distance, building height is limited to three (3) stories or forty-five (45) feet, whichever is less, subject to achieving architectural compatibility with adjacent residential neighborhoods, as required by conditions of zoning as well as the Zoning Ordinance. In response to area residents' concerns with respect to three (3) story structures, the applicant has limited the height for buildings located within the "C-2" Tract and beyond the 200 foot distance to two (2) stories or thirty-five (35) feet, whichever is less.

Master Plan and Internal Project Focus:

As a result of concerns expressed by area residents with respect to protecting the entrance into existing and future residential development, the Master Plan approved with Case 88SN0056 restricts the development located at the intersection of Route 360 and Mockingbird Lane to a bank use. The applicant has requested that in addition to a bank, a savings and loan and offices also be permitted at this intersection. The development of a bank, office or combination thereof is appropriate at this intersection given that such uses will continue to protect the entrance to the existing subdivision developments.

Uses:

Condition 11 of Case 88SN0056 restricts uses within the C-2 Tract to certain C-1 uses that provide limited retail and personal services to area residents. The applicant has requested that the permitted commercial uses be expanded to include several C-2 uses which are as

follows: appliance store; bicycle sales/rental; clothing store; furniture/carpet; hobby stores; jewelry store; locksmith; paint store; wallpaper store; toy store; optometrist; photography studio; travel agency; sewing machine and vacuum sales/service; and sporting goods store. In addition, the applicant has requested that fast food restaurant use be permitted, which is a use first permitted in the Community Business (C-3) District. Current conditions of Case 88SN0056 permit restaurant use on the property if limited to a sit down restaurant rather than a fast food or carry out. The applicant now proposes a maximum of two (2) fast food restaurants on the property, one primarily serving frozen desserts and beverages, the other serving primarily delicatessen products, but not hamburgers or cheeseburgers. Both restaurants would permit a vehicular drive-in window as well as carry out, provided seating is made available at the restaurant devoted to delicatessen items.

As previously noted, at the time of zoning, the Powhite/Route 288 Development Area Land Use and Transportation Plan designated the C-2 Tract for office uses; however, staff recommended that light commercial uses would be appropriate if restricted to limited commercial conveniences to serve area residents as part of a mixed use project. The current Upper Swift Creek Plan suggests that this property is appropriate for corporate office and multi-family residential uses. Therefore, the commercial uses currently permitted by Case 88SN0056 represent the maximum flexibility provided for commercial development on this site. Expanding upon these uses no longer limits the focus of the provision of products and services primarily to neighborhood residents, but would routinely attract customers from larger areas and is contrary to the Plan. Further, as written, the menu criteria relative to the types and percentages of good offered for sale at the proposed fast food restaurants is difficult, if not impossible to enforce.

Buffers and Screening:

Conditions of Case 88SN0056 require a fifty (50) foot buffer along the O-2 boundary adjacent to the R-12 property to the south. A retention pond is permitted within this buffer, provided landscaping around this project provides a year-round screening of commercial and offices uses from the Residential (R-12) Tract (Condition 3, Case 88SN0056). To address concerns of adjacent residents, the applicant has requested that Condition 3 be amended to preclude encroachment of any retention pond into these buffer areas. This amendment is consistent with current Zoning Ordinance requirements which preclude the inclusion of retention ponds within buffers so as to preserve existing vegetation and to provide intermittent visual separation between the existing residential and the proposed office/commercial uses.

Landscaping:

In an attempt to minimize views of parking areas from Hull Street Road and Mockingbird Lane, Proffered Condition 3 requires a hedgerow of evergreens along both rights of way in addition to perimeter landscaping requirements of the Zoning Ordinance (Proffered Condition 3). These views would be more effectively minimized through the location of

parking areas at or behind the buildings that they serve, as generally shown on the approved Master Plan.

The Zoning Ordinance requires that all landscaped areas be provided with a readily available water supply. The applicant has proffered the use of an underground irrigation system for landscaping installed along Hull Street Road and Mockingbird Lane. (Proffered Condition 4)

Lighting:

In response to area residents' concerns with respect to the height of parking lot lighting fixtures, the applicant has proffered a maximum height for freestanding parking lot lights of twenty (20) feet. (Proffered Condition 2)

CONCLUSIONS

The proposed increased densities in the commercial tract are in direct conflict with the recommendations for the original zoning case approval with respect to protecting the residential character of the surrounding subdivision developments and the entrance into those subdivisions.

The Upper Swift Creek Plan suggests that this property is appropriate for corporate office and multi-family residential uses. The Plan further suggests that limited commercial services should be located at the intersection of collector roads designed as part of a planned neighborhood development. These convenience nodes are to serve only the immediate residential neighborhoods and should be limited to a maximum project size of three (3) acres. Not considered as a convenience node, the subject property exceeds the non-residential use limitations presented under the current Plan's designation.

Therefore, with the exception of the deletion of Condition 9 addressing the clearing and grading of slopes, the amendment to Condition 3 precluding retention ponds within required buffers and the amendment to Condition 1 permitting office uses at the intersection of Hull Street Road and Mockingbird Lane, the current zoning conditions of Case 88SN0056 should be maintained to ensure the project's continued neighborhood focus and limited impact on area residents.

CASE HISTORY

Planning Commission Meeting (6/18/02):

At the request of the applicant, the Commission deferred this case to September 17, 2002.

Staff (6/19/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than July 15, 2002, for consideration at the Commission's September public hearing. Also, the applicant was advised that a \$150.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/24/02 and 8/1/02):

Amended Textual Statements were submitted.

Staff, Applicant and Area Residents (8/1/02):

A meeting was held to discuss the applicant's amended Textual Statement. Area residents expressed concerns relative to landscaping along Hull Street Road, retention ponds in buffers, lighting, heights of buildings and site design.

Applicant (8/18/02 and 8/21/02):

The application was amended to delete requested exceptions to architectural treatment (Condition 13) and to add requested exceptions to gross floor area (Condition 14) and modification to buffer standards (Condition 3). Amended Textual Statements and Master Plans and Proffered Conditions were submitted. The deferral fee was paid.

Planning Commission Meeting (9/17/02):

The applicant did not accept the recommendation. There was support present. Those in support indicated that the additional commercial uses would not adversely impact the neighborhood; that excluding retention ponds from the buffer was appropriate; and that flexibility in uses would encourage development that should compliment the Hull Street Road Corridor.

Mr. Stack noted that the request did not comply with the Plan; that there are more neighbors who oppose rather than support the request; and that the proposal will not best serve the Hull Street Road area.

Messrs. Gulley and Cunningham indicated that the proposal lacked guarantees with respect to the ultimate layout, uses and building heights.

Mr. Litton indicated that prior to the Board of Supervisor's consideration of this case, the applicant may have an opportunity to provide these guarantees for the proposed development.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission recommended denial of this request.

AYES: Unanimous.

Board of Supervisors Meeting (10/23/02):

At the request of the applicant, the Board remanded this case to the Planning Commission.

Applicant (11/20/02 and 12/20/02):

The request was amended, as discussed herein.

Planning Commission Meeting (1/21/03):

The applicant did not accept staff's recommendation, but did accept the Planning Commission's recommendation.

There was support present. Those in support indicated that the additional commercial uses would not adversely impact the neighborhood and would create a healthier business environment and that excluding retention ponds from the buffer was appropriate. There was concern expressed by an adjacent property owner relative to access, signage and utilities within the limits of the approved Master Plan.

Mr. Stack noted that the application had been amended to address his concerns relative to limiting uses at the intersection of Mockingbird Lane and Hull Street Road, reducing building height and maintaining an internal project focus. He indicated that this application improved upon the current conditions under which the project was originally zoned.

On motion of Mr. Stack, seconded by Mr. Litton, the Commission recommended approval of this request subject to the conditions on pages 3 and 4 and Proffered Conditions on pages 4 and 5.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, February 26, 2003, beginning at 7:00 p.m., will take under consideration this request.

December 10, 2002
Third Amendment to Textual Statement for Case # 88SN0056

1. Condition 1 of Case # 88SN0056 is amended to provide that the Master Plan shall be amended to permit a bank, savings and loan, or offices at the corner of Route 360 and Mockingbird Lane.
2. Condition 3 of Case # 88SN0056 is amended to delete the ability to place a retention pond within the buffer.
3. Condition 9 of Case # 88SN0056 shall be deleted for that part of the Property which is subject to this application.
4. Condition 11 of Case # 88SN0056 shall be modified to allow the following uses, in addition to those already permitted:

Appliance store
Bicycle sales and rental
Clothing store
Furniture/carpet store
Hobby store
Jewelry store
Locksmith operations
Optometrist
Paint and wallpaper store
Photography studio

Restaurant, fast-food, provided that such use shall be limited to:

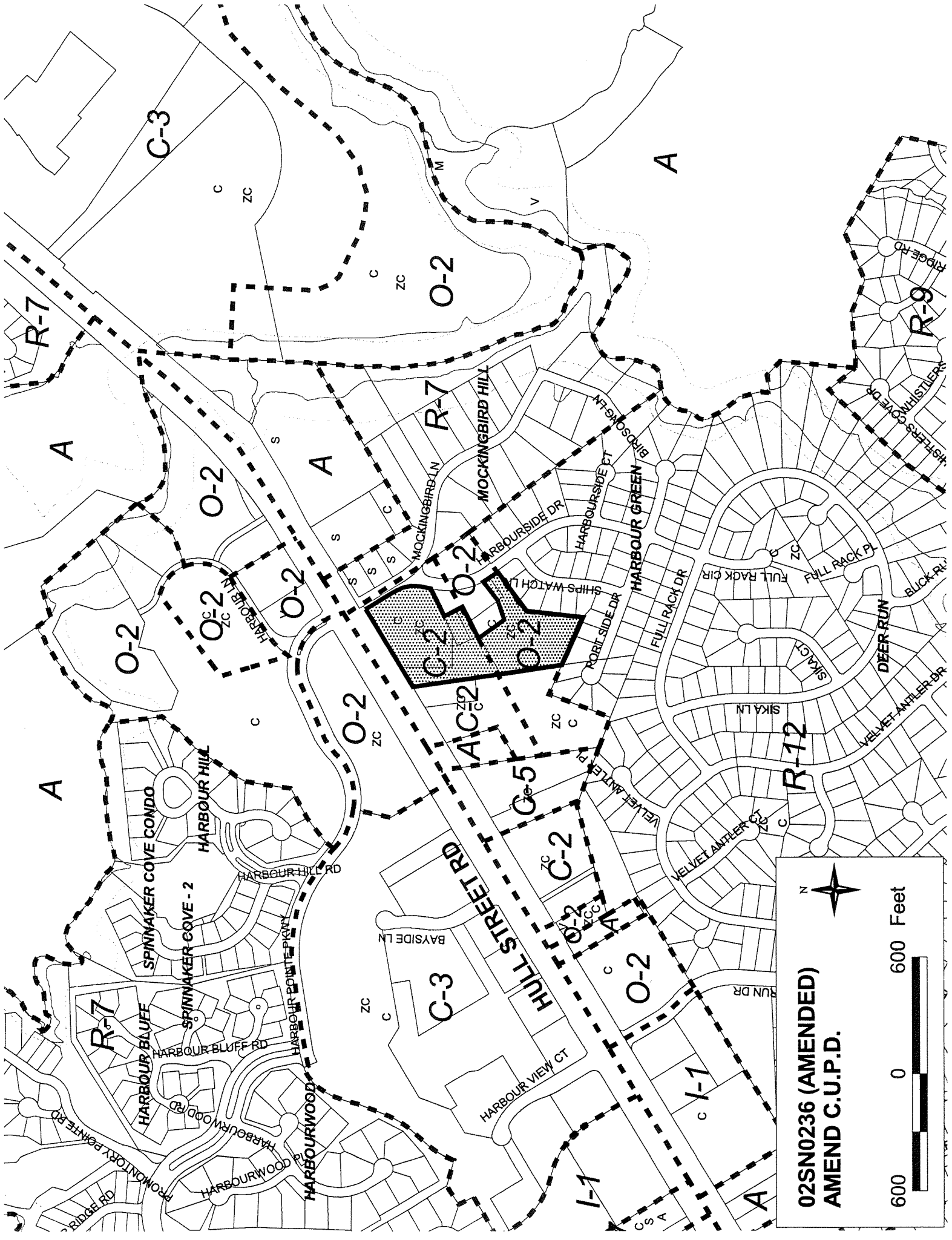
- one such restaurant at which frozen desserts and beverages such as ice cream, frozen yogurt, and milk shakes shall constitute at least $\frac{3}{4}$ of the available items on the menu; and
- one such restaurant at which delicatessen products such as sandwiches (other than hamburgers and cheeseburgers), soups, salads, and beverages shall constitute at least $\frac{3}{4}$ of the available items on the menu, provided that seating shall be provided so that such food items may be consumed at the restaurant.

Sewing machine and vacuum sales/service
Sporting goods sales
Toy store
Travel Agency

5. Condition 13 of Case # 88SN0056 shall be modified in its entirety by the following:

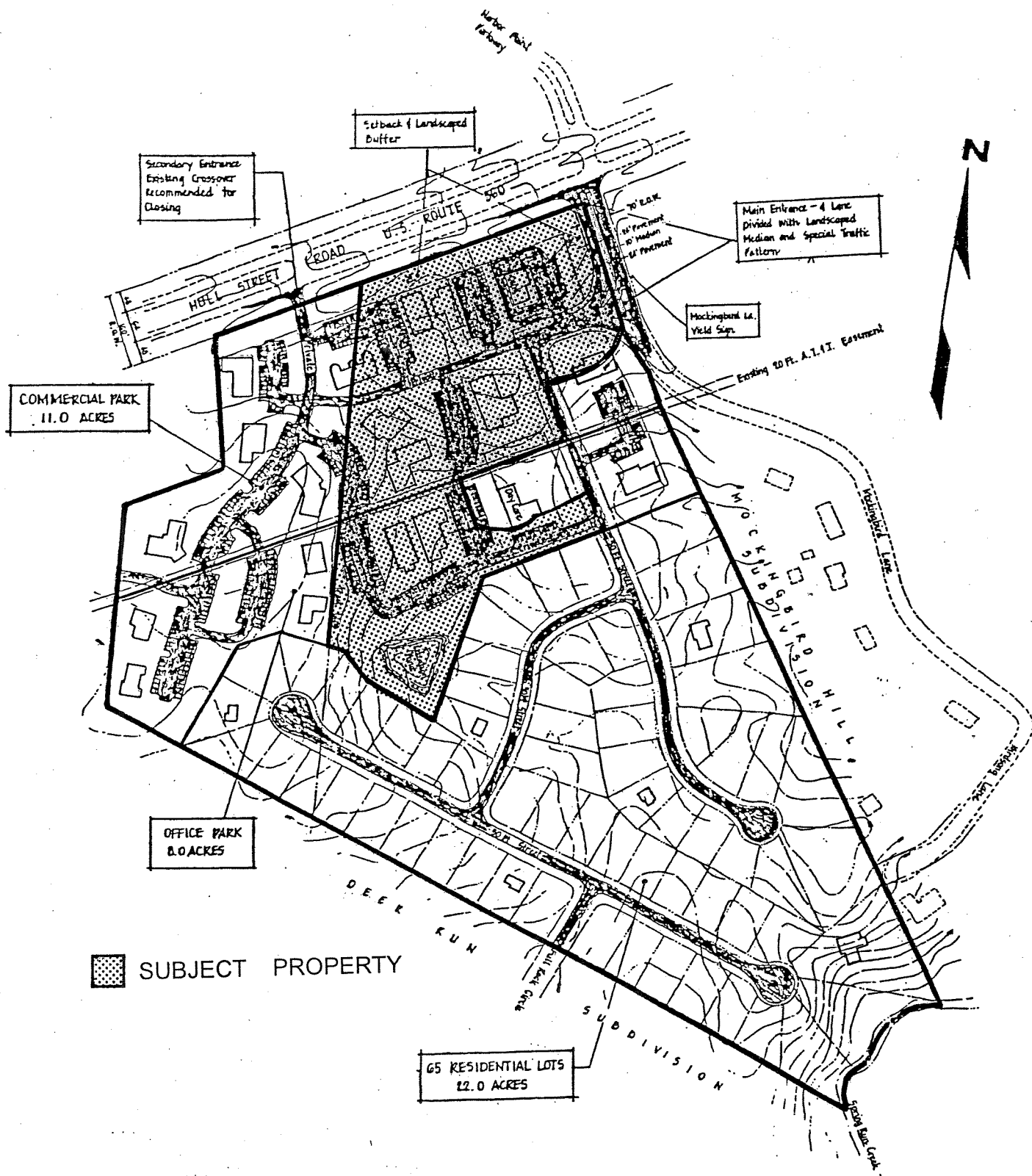
Within the Neighborhood Business (C-2) Tract, individual stores and shops shall not exceed 5,000 square feet of gross floor area if located within 200 feet of any existing residential district or area currently zoned agricultural and shown on the General Plan for residential use, and in no case shall be larger than 8,000 square feet of gross floor area. Individual projects shall not exceed 5,000 square feet of gross floor area per acre unless such excess square footage is devoted solely for office and/or storage use and is subtracted from the square footage permitted in the O-2 Tract. Even buildings that are more than 200 feet from any property that is zoned residential and is being used for residential purposes shall not exceed a height of 2 stories or 35 feet, whichever is less. All structures shall have an architectural style compatible with surrounding residential neighborhoods.

6. Condition 14 of Case # 88SN0056 is amended to provide that the allowable square footage thereunder shall be reduced consistent with the application of the provisions of Condition 13.



02SN0236 (AMENDED)
AMEND C.U.P.D.





APPROVED MASTER PLAN

02SN0236-1